

OPINION 1765

Fusus* Helbling, 1779 (Mollusca, Gastropoda): suppressed, and *Fusinus* Rafinesque, 1815 and *Colubraria* Schumacher, 1817: conserved*Ruling**

(1) Under the plenary powers the name *Fusus* Helbling, 1779 is hereby suppressed for the purposes of the Principle of Priority but not for those of the Principle of Homonymy.

(2) The following names are hereby placed on the Official List of Generic Names in Zoology:

(a) *Fusinus* Rafinesque, 1815 (gender: masculine), type species, by subsequent monotypy by Lamarck (1799) of the replaced nominal genus *Fusus* Bruguière, 1789, *Murex colus* Linnaeus, 1758;

(b) *Colubraria* Schumacher, 1817 (gender: feminine), type species by monotypy *Colubraria granulata* Schumacher, 1817.

(3) The following names are hereby placed on the Official List of Specific Names in Zoology:

(a) *colus* Linnaeus, 1758, as published in the binomen *Murex colus* (specific name of the type species of *Fusinus* Rafinesque, 1815);

(b) *granulata* Schumacher, 1817, as published in the binomen *Colubraria granulata* (specific name of the type species of Schumacher, 1817).

(4) The following names are hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology:

(a) *Fusus* Helbling, 1779, as suppressed in (1) above;

(b) *Fusus* Bruguière, 1789 (a junior homonym of *Fusus* Helbling, 1779);

(c) *Fusus* [Röding], 1798 (a junior homonym of *Fusus* Helbling, 1779 and of *Fusus* Bruguière, 1789).

History of Case 2729

An application for *Fusus* Helbling, 1779 to be confirmed as unavailable was received from Mr Richard E. Petit (*North Myrtle Beach, South Carolina, U.S.A.*) and Dr Druid Wilson (*Lake Wales, Florida, U.S.A.*) on 19 June 1989. After correspondence the case was published in BZN 48: 92–96 (June 1991). Notice of the case was sent to appropriate journals.

Opposing comments from Prof Emily H. Vokes (*Tulane University, New Orleans, Louisiana, U.S.A.*) and from Drs A.G. Beu (*DSIR Geology and Geophysics, Lower Hutt, New Zealand*), B.A. Marshall (*National Museum of New Zealand, Wellington, New Zealand*) & W.F. Ponder (*Australian Museum, Sydney South, New South Wales, Australia*) were published in BZN 48: 245–246 (September 1991) and BZN 49: 68–70 (March 1992) respectively. A reply by the authors of the application was published in BZN 49: 221–222 (September 1992). Further opposing comments from Dr Riccardo Giannuzzi-Savelli (*Palermo Pallavicino, Italy*) and from Dr Marco Oliverio (*Università di Roma 'La Sapienza', Rome, Italy*) were published in BZN 49: 289 (December 1992) and BZN 50: 140–139 (June 1993) respectively.

Comments were also received from Prof L.B. Holthuis (*Nationaal Natuurhistorisch Museum, Leiden, The Netherlands*, published in BZN 48: 244–245, September 1991)

and from Dr Barry Roth (*Museum of Paleontology, University of California, San Francisco, U.S.A.*, published in BZN 49: 68, March 1992).

All the malacologists who made observations on this case, including the applicants Mr Petit and Dr Wilson, agreed that the name *Fusus* as published by Helbling (1779) should not be used as a valid name. As pointed out in the application, it was not clear that Helbling intended to introduce it as a genus-group name and it had not only very limited use (para. 8 of the application).

Petit & Wilson proposed (BZN 48: 94, para. 18) that the Commission should rule it to be unavailable but, to remove any doubt, Beu, Marshall & Ponder (BZN 49: 69) proposed that it be suppressed. Adoption of either of these courses would dispose of *Fusus* sensu Helbling as a valid name. The consequences differed, however, as far as some junior names were concerned.

If *Fusus* Helbling were taken as unavailable then *Fusus* Bruguière, 1789 would not be disqualified as a junior homonym and it, rather than its junior objective synonym *Fusinus* Rafinesque, 1815, would be valid. Petit & Wilson favoured this outcome. On the other hand, Vokes (BZN 48: 425), Beu, Marshall & Ponder (BZN 49: 68), Giannuzzi-Savelli (BZN 49: 289) and Oliverio (BZN 50: 140) considered that *Fusinus* should be conserved on the grounds of its dominant usage in the past 60 years and its unambiguity (whereas *Fusus* has been used in more than one sense). All were agreed that the conservation of *Colubraria* Schumacher, 1817 (a junior subjective synonym of *Fusus* sensu Helbling) was desirable.

Vokes and Beu et al. stated that *Fusinus* is in universal modern use, but Petit & Wilson (BZN 48: 94, para. 15 and 49: 221) cited some relatively recent mentions of *Fusus* Bruguière. However, there was no doubt that during this century *Fusinus* has been used much more (as stated in para. 14 of the application).

Three votes were presented to allow distinction between the outcomes advocated by Petit & Wilson and by Beu, Marshall & Ponder. The votes encompassed all the proposals published in BZN 48: 94-95 and 49: 69-70.

Decision of the Commission

On 1 December 1993 the members of the Commission were invited to vote on the case. At the close of the voting period on 1 March 1994 the votes were as recorded below:

Vote 1. The Commission was first asked to use its plenary powers to reject the name *Fusus* Helbling, 1779.

22 Commissioners were in favour and three (Hahn, Kabata and Macpherson) were against.

No votes were received from Halvorsen and Lehtinen.

Dupuis and Ride were on leave of absence.

Hahn commented that, since *Fusus* Helbling had been used in some important works and its synonymy with *Colubraria* was rather uncertain, he would have preferred to give *Colubraria* precedence over *Fusus* Helbling, which would remain available. As a junior homonym *Fusus* Bruguière would not upset the usage of *Fusinus* Rafinesque.

Vote 2. The Commission was next asked, if vote 1 above were approved, either (a) to rule that *Fusus* Helbling, 1779 is unavailable because it was not treated as a valid

name when published (Petit & Wilson proposal (1) on BZN 48: 94), or (b) to suppress that name for the purposes of the Principle of Priority but not for those of the Principle of Homonymy (Beu et al. proposal (1) on BZN 49: 69).

Approval of either vote 2(a) or vote 2(b) would allow the name *Colubraria* Schumacher, 1817 and that of its type species to be placed on Official Lists, in accord with proposals (2)(b) and (3)(b) on BZN 49: 69–70.

Vote 2(a) had 7 in favour: Bouchet, Cocks, Heppell, Nielsen, Starobogatov, Trjapitzin, Uéno

Vote 2(b) had 15 in favour: Bayer, Bock, Cogger, Corliss, Holthuis, Kraus, Mahnert, Martins de Souza, Minelli, Nye, Savage, Schuster, Štys, Thompson, Willink.

Vote 3. The Commission was finally asked (if *Fusus* Helbling had been rejected) either (a) to place the name of *Fusus* Bruguière, 1789 and that of its type species on Official Lists, together with the rejection of *Fusinus* Rafinesque, 1815 (Petit & Wilson proposals (2), (3) and (4) on BZN 48: 95), or (b) to suppress *Fusus* Bruguière, 1789 or reject it as a junior homonym of *Fusus* Helbling, 1779.

If *Fusus* Bruguière were suppressed or rejected the name *Fusinus* Rafinesque, 1815 and that of its type species would be placed on Official Lists (Beu et al. proposals (2)(a) and (3)(a) on BZN 49: 69–70)).

Two Commissioners (Heppell and Trjapitzin) were in favour of vote 3(a), but 20 were in favour of vote 3(b), the rejection of *Fusus* Bruguière, 1789.

Original references

The following are the original references to the names placed on Official Lists and an Official Index by the ruling given in the present Opinion:

Colubraria Schumacher, 1817, *Essai d'un nouveau système des habitations des vers testacés ...*, p. 76.

colus, *Murex*, Linnaeus, 1758, *Systema naturae*, Ed. 10, vol. 1, p. 753.

Fusinus Rafinesque, 1815, *Analyse de la nature ou tableau de l'univers ...*, p. 145.

Fusus Bruguière, 1789, *Encyclopédie méthodique. Histoire naturelle des vers*, vol. 1, part 1, p. xv.

Fusus Helbling, 1779, *Abhandlungen einer Privatgesellschaft in Böhmen*, 4: 116.

Fusus [Röding], 1798, *Museum Boltenianum ... Pars secunda continens Conchylia sive Testacea univalvia, bivalvia & multivalvia*, p. 118.

granulata, *Colubraria*, Schumacher, 1817, *Essai d'un nouveau système des habitations des vers testacés*, p. 251.

The following is the reference for the fixation of *Murex colus* Linnaeus, 1758 as the type species of the nominal genus *Fusinus* Rafinesque, 1815:

Lamarck, J.B.P.A. 1799. *Mémoires de la Société d'Histoire Naturelle de Paris*, 1: 73.